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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,621	06/07/2000	Sara Ruhina Biyabani	004860.P2438	8620

7590 07/18/2008
Sheryl Sue Holloway
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12400 Wilshire Boulevard 7th Floor
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EXAMINER

CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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07/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/589,621	BIYABANI, SARA RUHINA	
	Examiner	Art Unit	
	Antonio A. Caschera	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9, 11-14, 16-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-9, 11-14 and 16-21 is/are allowed.
- 6) ☒ Claim(s) 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 07/01/08.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 23-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In reference to claims 23-26, the language of the claims raise questions as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Specifically, newly implemented practices and procedures directed towards the analysis of claim language as per 35 U.S.C. 101 question the “means” elements of the claims as per the claimed “apparatus” found in the preamble of claims 23-26. The specification provides evidence enabling one of ordinary skill in the art to reasonably interpret the “means” elements of the claims as software routines/modules/etc. (see pages 9-10, lines 18-9 of Applicant’s specification). Therefore, such claimed elements are software per se, which fails to fall within a statutory category of invention and necessitates the rejection of claims 23-26 since such claims comprise the "means" elements.

Note, as per all other claims, all other claims are seen as statutory as they provide a) a method that is tied to a statutory class (see claims 2-9 and 11-14, the method being tied to a main memory in a computer) or b) a computer system or apparatus which falls into one of the statutory classes of invention and is further described as a physical thing (machine) (see computer system and its elements in claims 16-21).

Response to Arguments

3. Applicant's arguments, see pages 9-13 of Applicant's Remarks, filed 07/01/08, with respect to the 35 USC 103(a) rejection of claims 2-9, 11-14, 16-21 and 23-26 have been fully considered and are persuasive. The 35 USC 103(a) rejection of these claims has been withdrawn. Note, after a further review of the references in view of Applicant's arguments and the further amendments to the independent claims, the Office withdraws the rejection based upon Stortz and Priem et al.. A further, prior art search was conducted and no additional applicable prior art was found thereby placing most of the claims in condition for allowance except for claims 23-26 which are rejected under 35 USC 101 as seen above.

Allowable Subject Matter

4. Claims 2-9, 11-14 and 16-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In reference to claims 2, 11 and 16, the prior art of record does not explicitly disclose a memory architecture, a method of decoupling a color buffer and a computer system comprising a single memory controller that connects two logical buffers, one to a graphics subsystem and

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another to a display device so that a full frame of color data is written into one of the buffers at a frame rate and read from the other buffer at a rate that supports a refresh rate of the display, whereby the first buffer also has bandwidth that supports the refresh rate and wherein the first buffer is mapped into main memory and the address space of the second buffer is mapped into a physical memory device that is separate from the main memory, in combination with the further limitations of claims 2, 11 and 16 respectively.

In reference to claims 3-9, 12-14 and 17-21, such claims depend upon allowable claims 2, 11 and 16 and are therefore also inherently allowable.

Note, in reference to claims 23-26, such claims would be deemed allowable for the above reasons as well, only if and when the above 35 USC 101 rejections were corrected for.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

/Antonio A Caschera/

Examiner, Art Unit 2628

Temporary Full Signatory Authority

7/22/08